

May-06

SUSMAN GODFREY L.L.P.

WWW.SUSMANGODFREY.COM

SUITE 5100
1000 LOUISIANA
HOUSTON, TEXAS
77002-5096
(713) 651 - 9366

SUITE 5100
901 MAIN STREET
DALLAS, TEXAS
75202-3775
(214) 754 - 1900

SUITE 3800
1201 THIRD AVENUE
SEATTLE, WASHINGTON
98101-3000
(206) 516 - 3880

SUITE 950
1901 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA
90067-6029
(310) 789-3100

FIRM RESUME**WE WANT TO WIN**

Founded in 1980, Susman Godfrey L.L.P. is a law firm with more than 70 lawyers in Houston, Dallas, Los Angeles, and Seattle. The firm represents plaintiffs and defendants in a broad range of commercial litigation matters, including antitrust, patent and intellectual property, securities and corporate governance litigation, energy, commercial and products liability litigation, bankruptcy and financial restructuring, accounting malpractice, arbitration, and foreign and international litigation matters.

In 2005, the firm was named one of the top litigation boutiques in the country by *The American Lawyer*. We dedicate ourselves to winning lawsuits! In over 25 years since our founding, we have won numerous verdicts of a million dollars or more. The cumulative dollar amount of these verdicts to date exceeds \$2 billion.

Although we are proud of our record of success at trial, often we best serve our clients' interests by resolving disputes quickly, through negotiation and favorable settlement. In a little more than a decade, we have achieved for plaintiffs in over 75 lawsuits settlements in excess of \$1 million, representing total recoveries of over \$2.7 billion.

We have just as effectively represented defendants, who often retain us after they have suffered an adverse judgment. We represented a major communications company being sued for an alleged \$1.5 billion in damages from supposed anticompetitive conduct. We filed a motion to dismiss the complaint, and in January 2003, the court agreed with our client and dismissed the claims entirely. In 2002, we were hired to defend an antitrust case after discovery was completed. Our sole duty was to try the case. Two weeks into the trial, the judge granted a directed verdict in favor of our client. Additionally, we recently represented a client sued for fraud in connection with a patent licensing agreement. After a three week trial, the parties settled by entering into a new licensing agreement that will pay our client \$1.1 billion over its term.

WE ARE USED TO WINNING

Susman Godfrey puts a premium on winning because our lawyers have always excelled. More than three-quarters served as members of law reviews, most as editors. Almost two-thirds clerked for federal judges, five for Justices of the United States Supreme Court. The academic credentials of our lawyers speak volumes about the quality of work you can expect from us.

May-06

Winning is especially important to Susman Godfrey because our compensation depends so much on our performance. We devote approximately 60 percent of our time to litigation under fee agreements that tie our pay to the results we achieve, not to the hours we bill. We have developed innovative contingent and flat fee arrangements with many clients, including partial contingent fees that reduce our hourly rates for a stake in the outcome. We have even used reverse contingent fee arrangements for defending cases where the amount we saved our clients determined our compensation.

Working at our own risk and expense encourages efficient work habits. That efficient approach carries over to our hourly business. The quality of our service, the lack of duplication of effort, your access to your lawyers, and our ability to gear up quickly to handle your case all make selecting Susman Godfrey a cost-effective decision.

We know that our clients hire us to achieve the best result possible at the least cost. We also know that clients want us to evaluate the likely outcome of litigation in a responsible and dependable manner and to communicate that evaluation promptly and clearly. We know that your business decisions will depend on our best analysis of where you stand in your lawsuit. We will tell you.

When you request one, we prepare a budget that shows you what we intend to do on your case and how much we expect it to cost. Our bills tell you what services we performed, when we performed them, and how long they took. We know that you want the maximum benefit from the money you spend in litigation, and Susman Godfrey constantly looks for ways to improve the service you get for what you spend.

2006 – AN AMAZING START

- In March 2006, IBM and Boston-based Sky Technologies, LLC, announced that they have settled a lawsuit brought by Sky Technologies in the U.S. District Court for the Eastern District of Texas alleging patent infringement, breach of contract and misappropriation of trade secrets. Under the terms of the settlement, IBM has agreed to license Sky's patents and technology for conducting online negotiation. U.S. District Judge David Folsom approved the terms of the settlement. Financial terms of the agreement have not been disclosed. Sky was represented by Steve Susman, Max Tribble, and Brian Melton of Susman Godfrey, and George Schwab from Townsend, Townsend & Crew.
- On February 3, 2006, the United States District Court for the Central District of California denied defendant Johnson & Johnson's efforts to dismiss on summary judgment the antitrust lawsuit brought by Susman Godfrey's client, Applied Medical Resources. Applied's lawsuit alleges that certain Johnson & Johnson subsidiaries have unlawfully maintained a monopoly in the market for trocars, a device used in minimally-invasive surgery. According to the lawsuit, Applied's trocars are less expensive and higher in quality than Johnson & Johnson's trocars, yet Johnson & Johnson's anticompetitive conduct has prevented Applied from achieving more substantial success in the trocar market. Applied's claims are similar (but not identical) to the claims of Masimo Corporation, on whose behalf Susman Godfrey obtained a \$140 million antitrust verdict, pre-trebling, against defendant Tyco Health Care in March 2005. Susman Godfrey's victory on summary judgment means that the Applied case will proceed to trial in July 2006. The Susman Godfrey lawyers representing Applied are

May-06

Stephen Susman, David Marcus, Joseph Grinstein, David Orozco, and Jason Fulton.

2005 – A GREAT YEAR

- On November 29, 2005, Hon. T. John Ward entered an order and final judgment finally approving settlements in the Fleming Securities Class Action Litigation. Kenneth S. Marks of Susman Godfrey L.L.P. is Co-Lead Counsel in that litigation, along with Sherrie R. Savett of Berger & Montague, P.C. Johnny W. Carter of Susman Godfrey L.L.P. has also worked extensively on this litigation. The settlements total \$94 million, or \$73 million net of attorneys' fees. In late 2002, 15 securities class action lawsuits were filed against Fleming Companies, Inc., which at the time was one of the largest food wholesalers in the United States. In December 2002, Judge Ward appointed Mr. Marks and Ms. Savett to be Co-Lead Counsel, and the Judicial Panel on Multidistrict Litigation (JPML) subsequently transferred all cases to the Eastern District of Texas. In April 2003, Fleming Companies, Inc. declared bankruptcy and thereafter was liquidated. Plaintiffs pursued claims against former directors and officers of Fleming, Fleming's auditor, and underwriters of one of Fleming's public offerings. In June 2004, the Court largely denied motions to dismiss brought by several defendants, and the case subsequently was set for trial in March 2006. Over the course of 2005, Counsel for Plaintiffs negotiated separate settlements with each of the defendants. The settlements total \$94 million.
- In December 2005, Susman Godfrey settled client SuperSpeed Software's patent infringement suit against Oracle Software. The case was pending in the United States District Court for the Southern District of Texas (Houston Division). Susman Godfrey finalized the settlement with Oracle soon after the District Court issued a claims construction opinion that was highly favorable to SuperSpeed. Details of the settlement are confidential. The suit alleged that Oracle's software products, including Oracle Parallel Server and Real Applications Clusters, infringed a number of SuperSpeed patents on technology for increasing data processing speed by caching data in local memory. SuperSpeed was represented by Susman Godfrey attorneys Neal Manne, Max Tribble, Edgar Sargent, Brooke Taylor, and Lane Dilg.
- In November 2005, the trial court approved Oxy USA, Inc.'s settlement to pay \$12 million in a class action lawsuit brought by Susman Godfrey's Tom Paterson and Shawn Raymond and the Gallegos Law Firm. The lawsuit was filed on behalf of a class of royalty owners who leased mineral rights to Oxy for the production of carbon dioxide from the Bravo Dome Carbon Dioxide Unit in northeastern New Mexico. The \$12 million settlement, of which \$3.5 million was awarded for attorneys' fees, represents approximately 90 percent of the total amount of actual damages sought by the class. The settlement also requires Oxy to pay litigation expenses of up to \$400,000 and settlement administration expenses of up to \$200,000. Finally, Oxy has agreed to change how it calculates plaintiffs' royalty on a going-forward basis. This change ties the value of carbon dioxide to the price of oil and is expected to result in a near doubling of the royalty amounts Oxy was paying the class members before the filing of this lawsuit in 2004.
- Since 2004, Susman Godfrey has represented Santa Clara, California-based MicroUnity Systems Engineering, Inc. in its litigation against entities that infringe MicroUnity's extensive patent portfolio. In April 2004, MicroUnity filed suit against Intel Corporation, alleging that Intel's Pentium III, Pentium 4, and Pentium M processors infringed

May-06

MicroUnity's patents covering its "mediaprocessor" technology. MicroUnity also sued Dell, Inc. for Dell's use of allegedly infringing Intel processors. In October 2005, one month before trial was to commence, MicroUnity, Intel, and Dell reached a settlement, the details of which are confidential. Intel publicly disclosed the financial terms of the settlement in its Third Quarter 2005 10-Q. Representing MicroUnity against Intel and Dell were Susman Godfrey attorneys Steve Susman, Max Tribble, Joe Grinstein, Brooke Taylor, and Kathy Hoek.

- On September 30, 2005, Novamedix Limited, its parent Orthofix International NV, and Kinetic Concepts, Inc. announced an agreement to settle litigation that commenced over a decade ago. Novamedix filed suit in 1992 against KCI regarding alleged patent infringement, Lanham Act, and breach of contract claims pertaining to medical devices designed to prevent deep vein thrombosis in non-ambulatory patients. Susman Godfrey was retained in 2003 to serve as lead counsel at trial, as well as through summary judgment and Markman hearings. Following favorable rulings, the case had been set for trial in January 2006. Under the terms of the settlement, KCI agreed to pay Novamedix \$75 million, and to give Novamedix an option to receive either an assignment of or a license to certain KCI foot pump patent rights. Susman Godfrey partners Steve Susman and Charles Eskridge represented Novamedix in the suit against KCI, acting as co-counsel to attorneys from Morgan, Lewis & Bockius LLP.
- In September 2005, Susman Godfrey won summary judgment for its client, IntercontinentalExchange, Inc. ("ICE"), in a copyright infringement case brought by the New York Mercantile Exchange, Inc. ("NYMEX") in federal court in New York. This case arose from claims brought against ICE by NYMEX for copyright infringement. On its electronic platform, ICE offers trading in some contracts that are cleared in part on the basis of NYMEX settlement prices. ICE also describes some contracts by reference to NYMEX. NYMEX claimed that ICE violated its intellectual property rights and sued for copyright infringement, service mark infringement, violation of the federal and New York state Anti-Dilution statutes and tortious interference with contract. NYMEX sought tens of millions of dollars in damages and an order barring ICE from referencing NYMEX settlement prices. After the close of discovery, ICE filed a motion for summary judgment seeking dismissal of all claims NYMEX had brought against it. NYMEX also filed its own motion for partial summary judgment on its claims for copyright infringement and tortious interference. In an opinion dated September 29, 2005, United States District Court Judge John G. Koeltl granted ICE's motion for summary judgment and denied NYMEX's cross-motion for summary judgment.
- In September 2005, Susman Godfrey finalized the settlement of the \$250 million antitrust claim brought by ChoiceParts against General Motors, Ford Motor Company, Daimler Chrysler, and OE Connection. The terms of the settlement are confidential. ChoiceParts alleged that the Big 3 automakers conspired to refuse to license parts data to ChoiceParts' revolutionary electronic parts locating service. The case was filed in 2001. After a request for injunction was denied, ChoiceParts hired Susman Godfrey to assist in preparing the case for trial. In March 2005, the United District Court for the Northern District of Illinois denied Defendants' Motions for Summary Judgment and Daubert Motions. With a trial date pending, Defendants settled the matter.
- In September 2005, Susman Godfrey settled patent infringement lawsuit for Amazon.com. Susman Godfrey represented Amazon.com in a patent infringement

May-06

lawsuit in the Eastern District of Texas filed by Soverain Software in January 2004. Soverain alleged that Amazon.com's websites infringe claims in patents covering basic e-commerce technology, including electronic shopping carts. Days before trial, and just after the Court granted one of Amazon.com's summary judgment motions, the parties resolved the case. Among other terms, the settlement entitles Amazon.com to a non-exclusive license to Soverain's entire patent portfolio. Mark Wawro, Parker Folse, Max Tribble, Brooke Taylor, and Justin Nelson represented Amazon.com.

- On June 30, 2005, Ken McNeil and Jonathan Ross of our Houston office and John Turner of our Dallas office won a \$38 million verdict in Florida State Court in the case of Florida Health Plan Holdings vs. HIP New York. The jury also found that punitive damages were warranted – a very unusual jury finding for commercial cases in Florida courts. The trial in Fort Lauderdale ran three and one half months. The case settled the day after this verdict – and during the second phase of the trial when the jury was considering the amount of punitive damages that were warranted. The confidential amount of the settlement was highly satisfactory to our client.
- On April 11, 2005, Gateway Inc. and Microsoft Corp. jointly announced that they have entered into an agreement to resolve legal issues between the two companies and work together on the marketing and development of Gateway personal computing products. As part of the agreement, Microsoft will provide funds that Gateway expects to use for marketing initiatives, including advertising, sales training and consulting, as well as the research, development and testing of new Gateway products that can run current Microsoft products and Microsoft's next-generation operating system and productivity software.
- On April 5, 2005, the United States Bankruptcy Court for the Northern District of Georgia awarded the litigation claims representative for the bankruptcy estate of Paragon Trade Brands, Inc., approximately \$461 million in damages and attorneys fees against Weyerhaeuser Corp. in a suit for breach of warranty arising from Weyerhaeuser's 1993 conveyance to Paragon of assets constituting Weyerhaeuser's private label diaper business. Paragon was subsequently driven into bankruptcy by a massive patent infringement judgment obtained against Paragon by Proctor & Gamble. In the ensuing litigation, the bankruptcy court granted summary judgment to Paragon's litigation claims representative, holding that Weyerhaeuser had breached warranties relating to the sufficiency of intellectual property rights that it had conveyed to Paragon. Following the entry of summary judgment, the court conducted a two-week damages trial, culminating in findings of fact and conclusions of law pursuant to which the court awarded damages in the amount of \$457,858,150 and approximately \$3 million in attorney's fees and expenses against Weyerhaeuser.
- On March 21, 2005, a federal jury in Los Angeles, California awarded our client, Masimo Corporation, \$140,000,000 in damages against Tyco Health Care Group, LP and its affiliate, Mallinckrodt, Inc. Masimo, located in Irvine, California, had brought claims under the federal antitrust laws based on Tyco's anticompetitive practices that prevented Masimo from selling its competing pulse oximetry products to hospitals located throughout the United States. Pursuant to the federal antitrust laws, the jury award was automatically tripled to \$420,000,000, with attorneys' fees and costs also added. In a post-trial ruling in March 2006, the trial court upheld the jury's liability findings, but ordered a new trial on damages. Masimo was represented at trial by Steve Susman, Marc

May-06

Seltzer, Vineet Bhatia and Steve Morrissey. The damages trial has not yet been scheduled.

- In 2001, 53 plaintiffs sued ConocoPhillips and Rio Grande Resources, among other defendants, alleging that the defendants' Karnes County uranium mining and milling operations caused each plaintiff to develop cancer or other medical ailments. The plaintiffs alleged damages in excess of \$45 million. In February 2003, after nearly two years of litigation, Lee Godfrey was retained as lead trial counsel. Within a few short months, the defendants filed case dispositive Daubert and summary judgment motions. In 2004, the District Court of the Western District of Texas dismissed several plaintiffs' claims by granting some of the summary judgment motions. On March 30, 2005, the Court dismissed all remaining claims by granting the defendants' Daubert motion, striking plaintiffs' causation expert. Other Susman Godfrey attorneys representing ConocoPhillips and Rio Grande Resources along with Lee Godfrey were Vineet Bhatia and Brian Melton.
- In February 2005, Susman Godfrey partners Tom Paterson and Harry Susman and associate Suyash Agrawal successfully represented plaintiffs Enterprise NGL Pipelines LLC and Enterprise Products Operating LP in connection with claims that they were entitled to buy two blocks of stock worth more than \$70 million in Dixie Pipeline Company. Sunoco Pipeline had originally offered to buy a block of stock from Standard Gas, a subsidiary of ChevronTexaco. Sunoco's offer triggered a right of first refusal that Enterprise owned that gave Enterprise 25 days to close the transaction. Given the size of the sale, Enterprise had to obtain approval from the Federal Trade Commission under the Hart Scott Rodino Act, which mandates a minimum 30-day waiting period unless terminated early. When the FTC did not grant early termination, Enterprise could not close within the 25 days and requested an extension. Standard denied the request. In the petition it filed on December 3, 2004, Enterprise claimed that it had a right to an extension. After being sued, Standard granted an extension until the 30 days expired. Sunoco then sued Standard, claiming that it was entitled to buy the stock because Enterprise had not closed within 25 days. In mid-January 2005, Harris County State District Court Judge Bill Burke set the case for trial on the merits on February 22-23. All discovery was conducted during approximately five weeks. After the close of a 2-day bench trial, Judge Burke ruled in Enterprise's favor on all issues. Enterprise was awarded the right to buy the stock, which was worth more than \$70 million.
- Susman Godfrey L.L.P. was named as one of the top two litigation boutiques in the nation by *The American Lawyer* in that magazine's first Litigation Boutique of the Year competition. The January 2005 award underscores the firm's extraordinary bench strength as our lawyers continue to build on and surpass Susman Godfrey's legendary track record of big wins and great results.

2004 – AN AMAZING YEAR

- In November, 2004, Susman Godfrey obtained \$536 million settlement from Microsoft on behalf of Novell, Inc. Susman Godfrey represented Novell, Inc. in negotiating a settlement with Microsoft Corp. of antitrust claims related to Novell's NetWare business. Under the terms of the settlement that were publicly disclosed by both companies on November 8, 2004, Microsoft will pay Novell \$536 million in cash.

May-06

- In September, 2004, Susman Godfrey partner Tom Paterson served as co-counsel with lawyers from Orrick, Herrington & Sutcliffe to defend claims of patent infringement that plaintiffs asserted against Universal Instruments Corporation, a subsidiary of Dover Corporation. Plaintiffs alleged that Universal willfully infringed multiple claims of their patent. Plaintiffs sought \$30,000 per unit in damages and asked the Court to declare the case exceptional. Universal denied infringement and asserted that plaintiffs' claims were invalid based on multiple prior art systems that plaintiffs never disclosed to the Patent Office. A three-week jury trial was held in August before The Honorable Lee H. Rosenthal, United States District Court Judge for the Southern District of Texas. After two and a half days of deliberation, the jury found infringement but awarded damages of only \$800,000 instead of the approximately \$40,000,000 plaintiffs sought and, regardless, found that all but two dependent claims were invalid. On post-verdict motions, Universal asked the Court to find no infringement as a matter of law and to declare the two remaining claims invalid. In a February 10, 2005 opinion, the Court granted Universal's motion for judgment as a matter of law finding no infringement and found as a matter of law that the remaining two dependent claims were invalid.
- The Eleventh Circuit affirmed dismissal of \$1.5 billion antitrust case against client Clear Channel Communications, Inc., in June 2004.
- January 2004 - Won a \$3.2 million jury verdict in a high profile case for Apache Corporation against two affiliates of Dynegy, Inc. We alleged that the Dynegy affiliates breached 18 different gas purchase contracts by failing to account and pay for over 400 million cubic feet of gas that Apache produced and delivered from its wells. After a five day trial, the jury found for Apache on every issue. The jury found that the Dynegy affiliates breached all 18 of the contracts, willfully engaged in deceptive and unfair trade practices, and the jury rejected the Dynegy affiliates' counterclaims. Over a year before trial, the Dynegy affiliates had paid Apache an additional \$1.38 million to resolve other breach of contract claims that Apache asserted in the case. The trial court awarded Apache attorneys' fees and granted Apache a declaratory judgment but also granted a judgment notwithstanding the verdict, and there will be an appeal. Click here to read excerpts from an article in *The Odessa American* about this case.

2003 - HIGHLIGHTS

- A panel of the United States Court of Appeals for the Fifth Circuit, on December 17, 2003, ruled unanimously in favor of our client, the Bombardier Aerospace Employee Welfare Benefits Plan, in an appeal of an ERISA matter having major implications for health plans in the Fifth Circuit and elsewhere. The Bombardier plan had sought reimbursement of the medical benefits it had advanced to a plan member after that member recovered medical expenses in a lawsuit against the tortfeasor who had caused his injuries. Rejecting the Ninth Circuit's contrary rule, the Fifth Circuit held that ERISA authorized the claims raised by the Bombardier plan and that the plan member's attorney was not entitled to attorneys' fees from the plan for his work in the underlying tort lawsuit. The Bombardier opinion will now permit health plans in the Fifth Circuit to recoup their costs by pursuing reimbursement for medical benefits they advance following auto accidents and other torts. The Susman Godfrey attorneys representing the Bombardier plan were Joseph S. Grinstein and Neal S. Manne.
- On August 6, 2003, Susman Godfrey won a \$27.8 million award from a panel of

May-06

arbitrators for its clients, James P. Hunter, III, and the James P. Hunter, III Family Partnership Limited. The award came in a securities arbitration against Service Corporation International, and certain of its current and former officers. Hunter's securities claims against Service Corp. arose out of the January 1999 merger of Service Corp. and Equity Corporation International. James Hunter was Equity Corporation International's CEO before the merger. The arbitration followed several years of jurisdictional challenges, in which Susman Godfrey handled separate appeals to both the United States Court of Appeals for the Fifth Circuit and the Texas Supreme Court. As Service Corp. disclosed in its SEC filings, the arbitrators ruled in favor of Susman Godfrey's clients on their claims under the Texas Securities Act and awarded them \$27.8 million.

- Susman Godfrey obtained in August, 2003, a mediated settlement with Microsoft on behalf of former operating system competitor Be, Incorporated. Under the terms of the settlement, Be will receive a payment of \$23,250,000 after attorneys' fees and expenses. All other terms of the settlement remain confidential.
- In August 2003, a settlement became final in *Duramed Pharmaceuticals, Inc. v. Wyeth-Ayerst Laboratories*, on file in the United States District Court for the Southern District of Ohio. Susman Godfrey L.L.P. represented plaintiff Duramed Pharmaceuticals, Inc. in the anti-trust lawsuit filed September 5, 2000. Duramed alleged that Wyeth-Ayerst, the maker of market-dominant estrogen replacement and hormone replacement drugs, had violated the Sherman Act and Clayton Act by, among other things, entering into contracts with managed care entities to exclude Duramed's drug Cenestin from managed care formularies. On July 30, 2003, Susman Godfrey obtained a jury verdict in state court in Dallas for our client, Cavalry Investments, against EquiCredit of America, a Bank of America subsidiary, in a breach of contract and interference with contract case. The jury awarded \$5 million for breach of contract, \$15 million for interference, \$25 million in punitives and \$1.9 million in attorneys fees.
- The July 21, 2003 issue of the *National Law Journal* singled out Susman Godfrey as one of the nation's premier plaintiff firms. Susman Godfrey's innovative approach to litigation and its results in major commercial litigation have made this 62 lawyer firm one of the nation's finest and a nationally recognized "go to" firms for large complex commercial cases. Three recent cases were highlighted by the *National Law Journal* as examples of complex commercial litigation successfully handled by the firm. One of the cases, *In Re Vitamins Antitrust Litigation (DAD'S. 2003)*, has also been named as one of most significant jury verdicts of 2003 in their July 28, 2003 issue.
- In July 2003, Susman Godfrey partner Bill Carmody and associate Jonathan Bridges won at trial in federal court in St. Louis in an insurance dispute between Twin City Fire Insurance, one of the Hartford companies, and IMCO Recycling, Inc. Irving, Texas. Our client, IMCO, was at the time the world's the leading recycler of aluminum and zinc. In 1997 Ernest Bland, an employee for an IMCO subsidiary, was severely burned while working near a furnace. Bland sued IMCO for negligence and obtained a \$4 million judgment before Susman Godfrey was involved. Twin City then sued IMCO, seeking a declaratory judgment declaring it was not responsible for coverage of the Bland judgment because it had received notice of the claim only eighteen hours before the trial. Timely notice was a condition precedent to coverage according to the policy. The jury found for IMCO on all counts, finding that Twin City had received timely notice via its agent,

May-06

AON Risk Services of Texas, and finding no prejudice to Twin City from late notice. Based on the verdict, the court granted IMCO declaratory relief, requiring Twin City to provide insurance coverage for the Bland case, and it awarded attorney fees to IMCO. The case settled on appeal with Twin City paying the entire amount of the Bland judgment, with interest, and over \$600,000.00 in attorney fees.

- On June 30, 2003, Susman Godfrey obtained \$40 million in settlements on behalf of the Anicom shareholders represented by the State of Wisconsin Investment Board, the Anicom bankruptcy estate, and a group of Anicom's secured lenders led by Harris Bank of Chicago. The plaintiffs' claims involved the now-bankrupt wire distributor Anicom, Inc. Ken McNeil of Susman Godfrey was lead lawyer for a joint prosecution group.
- On June 13, 2003, a federal jury in Washington D.C. found that four defendant companies, Mitsui & Co. of Japan, Mitsui USA, DCV, Inc. and DuCoa L.P. had participated in a global conspiracy to allocate world markets and fix the price of vitamin B4, also known as choline chloride, during the ten year period from 1988 to 1998. The 11 member jury unanimously awarded the plaintiffs, a class of direct purchasers of vitamin B4, \$49.5 million in damages. Pursuant to federal antitrust laws, the jury's award must be trebled, and attorneys' fees added, meaning the jury award will end up costing the defendants over \$150 million. The plaintiffs were represented at trial by James T. Southwick of Susman Godfrey LLP, along with lawyers from the Washington D.C. offices of Boies Schiller & Flexner and Cohen Milstein Hausfeld & Toll. Friday's vitamin B4 verdict marked the conclusion of the first trial in the wide ranging Vitamins Antitrust Litigation, involving global price fixing and market allocation agreements by manufacturers of a wide array of vitamins. Susman Godfrey LLP has served as co-lead counsel for the class action plaintiffs since 1999. The jury award in the vitamin B4 case is added to the hundreds of millions of dollars in settlements Susman Godfrey and its co-counsel have previously recovered for class action plaintiffs in related Vitamins Antitrust cases.
- The Trustee For the Creditors' Trust of Living.com, Inc., an *e-tailer* specializing in furniture, kitchen, garden, and other home living products, sued Amazon.com in August 2002, seeking more than \$64,000,000 in damages for alleged breaches of contract and fraudulent transfers in connection with a co-branding agreement between Amazon.com and Living.com. Following expedited discovery, Susman Godfrey, LLP filed and argued a motion for summary judgment on behalf of Amazon.com as to all claims asserted by Living.com. On March 19, 2003, the United States Bankruptcy Court for the Western District of Texas granted Amazon.com's motion and dismissed all of Living.com's claims with prejudice. Representing Amazon.com were Robert Rivera, Jr. and Brooke A. Taylor.
- In June 2002, Spanish Broadcasting Corporation, Inc. ("SBS") sued Clear Channel Communications, Inc. ("Clear Channel"), alleging \$1.5 billion in damages from supposed anticompetitive conduct by Clear Channel and another defendant. On behalf of Clear Channel, Susman Godfrey, LLP filed a motion to dismiss the complaint in its entirety arguing that the allegations were insufficient as a matter of law. On January 31, 2003, the District Court of the Southern District of Florida agreed with Clear Channel and dismissed each of SBS's antitrust claims with prejudice.

May-06

The information contained herein is revised frequently and is only accurate and current as of the date printed above.
Please call us for the most recent edition.

May-06

SUSMAN GODFREY L.L.P.

WWW.SUSMANGODFREY.COM

SUITE 5100
1000 LOUISIANA
HOUSTON, TEXAS
77002-5096
(713) 651-9366

SUITE 5100
901 MAIN STREET
DALLAS, TEXAS
75202-3775
(214) 754-1900

SUITE 3800
1201 THIRD AVENUE
SEATTLE, WASHINGTON
98101-3000
(206) 516-3880

SUITE 950
1901 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA
90067-6029
(310) 789-3100

MEMBERS OF THE FIRM

MANAGING PARTERS

STEPHEN D. SUSMAN, P.C., born Houston, Texas, January 20, 1941; admitted to bar, 1965, Texas; 1999, District of Columbia; 2000, New York; 2002, Colorado. Preparatory education, Yale University (B.A., magna cum laude, 1962); legal education, University of Texas School of Law (LL.B., with highest honors, 1965). Fraternities: Phi Delta Phi; Order of the Coif; Chancellors, Grand Chancellor; Phi Kappa Phi; Friars Society. Editor-in-Chief, Texas Law Review, 1964-65. Law Clerk to The Honorable John R. Brown, United States Court of Appeals, Fifth Circuit, 1965-66; Law Clerk to Justice Hugo L. Black, United States Supreme Court, 1966-67. Visiting Professor of Law, University of Texas, 1975; Special Counsel to Attorney General of Texas, 1975. Editor: "ABA Civil Antitrust Jury Instructions" (1985). Board Certified, Civil Trial Law, Texas Board of Legal Specialization, 1978. University of Texas School of Law Outstanding Alumnus 2001. Honored in the 2006 edition of The Best Lawyers in America for being among the distinguished group of attorneys who have made the list for over 20 years. Also recognized by Texas Monthly Magazine as a Texas Super Lawyer in 2003, 2004, and 2005, as well as being in the top ten list all three years. Global Counsel 3000 identified Susman as a Leading Dispute Resolution practitioner in its 2003-2004 edition. Texas Lawyer's Go-To Guide, published in October 2002 and based on two decades of research data and interviews with hundreds of lawyers, put Susman "into an elite group of the top 135 of attorneys in the state, and the BEST in the discipline of Civil Litigation - Plaintiffs." Received 2005 Distinguished Counselor Award from the Antitrust and Business Litigation Section of the State Bar of Texas. Member: State Bar of Texas (Chairman, Section on Antitrust and Trade Regulation, 1976-77); District of Columbia Bar Association; Colorado Bar Association; New York Bar Association; American Bar Association, Section of Antitrust Law (member of Council,

1989-91) and Section of Litigation (currently member of Trial Advisory Board and Federal Practice Task Force and formerly co-chair of Task Force on Training the Advocate, chairman of Task Force on Fast Track Litigation and member of Committee to Improve Jury Comprehension); American Law Institute; ALL-ABA Advisory Group on Antitrust; Inns of Court; Editorial Advisory Board, BNA Civil RICO Reporter and Inside Litigation; Advisory Board, University of Texas School of Law's Review of Litigation; Chairman of the Texas Supreme Court Advisory Committee's Discovery Subcommittee; Board of Directors for the Texas Association of Civil Trial and Appellate Specialists; American Board of Trial Advocates; Director of the University of Houston Law Foundation; MD Anderson University Cancer Foundation Board of Visitors and The University of Texas Health Science Center Development Board.

H. LEE GODFREY, P.C., born Palestine, Texas, March 10, 1939; admitted to bar, 1969, Texas; 2001, District of Columbia. Preparatory and legal education, University of Texas School of Law (B.A., 1966, J.D., with honors, 1969). Fraternities: Phi Delta Phi; Order of the Coif; Chancellors; Consul. Managing Editor, Texas Law Review, 1968-69. Visiting Professor, Rice University, Commercial Law, 1980-82. Author, "Civil Voir Dire in Texas: Winning the Appeal Based on Bias or Prejudice," 31 South Texas Law Review 409 (1990). Panel Member, "Diagnosis of a Dispute," Third Annual Conference on Resolving Commercial Disputes Without Trial, Tulane University and The University of Texas, 1993. Lecturer: "Pleadings and Attacks on Pleadings," Advanced Civil Trial Practice, The State Bar of Texas Evidence Series, 1983; "Expert Witnesses: Preparation and Examination," Houston Bar Association, 1989; "Jury Selection & Opening Statements in Texas Civil Practice," South Texas College of Law 1989 Discovery and Civil Trial Practice Institute; "Arguing the Complex Case," The Art of

May-06

Persuasion (A Performance Enhancement Course), The State Bar of Texas, 1989; "What You Need to Know About Discovery to Avoid Paying Sanctions," Houston Bar Association Discovery Institute, 1987. Honors: 2002 Texas Law Review Association Leon Green Award "for outstanding contribution to the legal profession"; 1999 U.T. Board of Advocates Honorary Barrister of the Year Award; listed in The Best Lawyers in America (Texas Business Litigation), 1991-02 editions. Member: American Law Institute; Fellow, American College of Trial Lawyers; State Bar of Texas; International Academy of Trial Lawyers; International Society of Barristers; American Bar Association, Section of Litigation; Fellow, American Bar Foundation; Houston Bar Association; Texas Bar Foundation; Board Member, International Centers for Arbitration, 1993-98; Chairman, State Bar of Texas Committee on Child Abuse and Neglect, 1995-96; Member, Texas Commission on Judicial Efficiency Task Force, 1995-present; Chairman, Judicial Selection Advisory Committee for the Southern District of Texas, 1993; Committee on Selection, Tenure & Compensation of State Judges, State Bar of Texas, 1980-81; Texas Law Review Ex-Editors Association (1976).

PARTNERS

BARRY C. BARNETT, born January 19, 1959, Corsicana, Texas; admitted to bar, 1985, Texas. Preparatory education, Yale University (B.A., Economics and History, magna cum laude, 1981); legal education, Harvard Law School (J.D., cum laude, 1984). Law Clerk to The Honorable Jerre S. Williams, United States Court of Appeals, Fifth Circuit (1984-85). Selected for The Best Lawyers in America, Business Litigation (2003-2006). Chosen as a Texas Super Lawyer in Business Litigation (2003-2005) and as Top 100 Dallas/Ft. Worth Super Lawyer in Business Litigation (2005). Editor, Notes on Complex Commercial Litigation. Author and speaker at continuing legal education seminars, including, in June 2005, as panel moderator on "Effective Management and Trial of a Patent Case: The Symbiotic Relationship of In-House and Trial Counsel" for the State Bar of Texas Intellectual Property Law Section seminar at the Bar's annual meeting; in November 2004, "D&O Liability Insurance Coverage Issues" for University of Texas School of Law's 23rd Annual Bankruptcy Conference (with Karl Dial, Fulbright & Jaworski); and, in April 2002, "Trial of Class Actions" for the State Bar of Texas's Class Actions: A Practical Guide. Co-author, "Techniques for Expediting and Streamlining Litigation" for American Bar Association Section of Litigation's forthcoming second edition of Business and Commercial Litigation in Federal Courts (with Stephen D. Susman). Member, State Bar of Texas; American

Bar Association; Association of Trial Lawyers of America; Dallas Bar Association; Houston Bar Association; Yale Club of Dallas; Harvard Club of Dallas; Yale Club of New York City. Fellow, Dallas Legal Foundation and Houston Legal Foundation. Alumnus member, Texas Lyceum.

VINEET BHATIA, born Lucknow, India, August 13, 1965; admitted to bar, 1991, New York and 1996, Texas. Preparatory education, Rice University (B.A. 1987); legal education, Columbia University School of Law (J.D. 1990). Notes and Comments Editor, Columbia Law Review, 1989-90 and Harlan Fiske Stone Scholar (1987-90). Law Clerk to The Honorable Jack B. Weinstein, United States District Court for the Eastern District of New York. Member: State Bar of New York; State Bar of Texas; American Bar Association, Section of Litigation; New York State Bar Association; Texas Bar Association; Houston Bar Association.

RACHEL S. BLACK, born San Francisco, CA, admitted to bar, 2001, New York; 2002, Washington. Preparatory education, University of California at San Diego (B.A., 1991); University of Nevada, Las Vegas (M.S. 1996, with honors). Legal education, Cornell Law School (J.D., magna cum laude, 1999). Note Editor, Cornell Law Review, 1998-99. Law Clerk to The Honorable Alan C. Kay, United States District Court for the District of Hawaii, 1999-2000; Hon. Robert R. Beezer, United States Court of Appeals, Ninth Circuit, 2000-01. Member: New York State Bar Association, Washington State Bar Association, Federal Bar Association.

JONATHAN BRIDGES, born Mishawaka, Indiana; December 17, 1968; admitted to bar, 2000, Texas. Preparatory education, Friends University (B.A., 1991); Ball State University (M.A., 1993); legal education, University of Notre Dame (J.D., magna cum laude, 2000). Editor in Chief, Notre Dame Law Review 1999-2000. Law Clerk to The Honorable Thomas M. Reavley, United States Court of Appeals, Fifth Circuit, 2000-01. Author: "Hooding the Jury," 35 University of San Francisco Law Review 651 (2001), Note, "Suing for Peanuts," 75 Notre Dame Law Review 1269 (2000), Note, "Mitigating Measures Under the Americans with Disabilities Act: Interpretation and Deference in the Judicial Process," 74 Notre Dame Law Review 1061 (2000).

OPHELIA F. CAMIÑA, born San Antonio, Texas, December 5, 1955; admitted to bar, 1983, Texas. Preparatory education, Saint Mary's College of Notre Dame (B.A., magna cum laude, 1978); legal education, University of Notre Dame (J.D., cum laude, 1982). Associate Editor: Notre Dame

May-06

Law Review 1980-82. Thomas J. and Alberta White Scholar for Law and Public Policy, 1981-82. Law Clerk to The Honorable Jerry Buchmeyer, United States District Court, Northern District of Texas. Named as one of the "Top 50" women lawyers in Texas by Texas Monthly in 2005; Named as a "Super Lawyer" by Texas Monthly in 2003, 2004, and 2005. Chair, Dallas Bar Fellows (2002-3); Board of Directors, Dallas Bar Foundation (2002-3); Board of Directors, State Bar of Texas (2002-2005); Board of Managers, Parkland Health and Hospital System (2005-present); Governor's Commission for Women (1993-95). Recipient of The Dallas Business Journal's Forty Under 40 award to up-and-coming Dallas-area business and community leaders under the age of 40 (1993); Barrister, Higgenbotham American Inn of Court (1999-2003); Master, Mac Taylor American Inn of Court (1999-present). Author: "A De Minimus Defense is Not Available to a Lender For a Technical Violation of Regulation Z," 56 Notre Dame L. Rev. 573 (1981); "Selective Preemption: A Preferential Solution to the Bartkus-Abbate Rule in Successive Federal-State Prosecutions," 57 Notre Dame L. Rev. 340 (1982); Co-author: "Public Funding of Private Education: A Public Policy Analysis," 10 J. of Legis. 146 (1983). Adjunct Professor, Southern Methodist University 1983-85, 1988-89. Member: State Bar of Texas; American Bar Association; Dallas Bar Association; Fellow, Texas Bar Foundation; Dallas Bar Foundation.

WILLIAM CHRISTOPHER CARMODY, born New York, New York, November 25, 1957; admitted to bar, 1988, Texas. Preparatory education, United States Merchant Marine Academy, at Kings Point, New York (B.S., 1981); legal education, The University of Tulsa College of Law (J.D., with honors, 1988). Senior Staff Member, Tulsa Law Journal, 1987-88. Honors: Order of the Curule Chair; Claude Rosenstein Scholar; John Rogers Scholar. Trial Lawyers College 2000. Author: The Logical Recognition of Gradual Stress Disability Under Oklahoma's Workers' Compensation Act, 23 Tulsa L.J. 461 (1988); Deceptive Trade Practices Act, 48 SMU Law Review 1113 (1995) (with Eve Pouliot); Deceptive Trade Practices Act, 47 SMU Law Review 1033 (1994) (with Mark Anderson). Member: American Bar Association, Dallas Bar Association, State Bar of Texas, Texas Trial Lawyers Association, Association of Trial Lawyers of America, American Society of Trial Consultants, SMU School of Law Executive Board.

JOHNNY W. CARTER, born Dumas, Texas, July 22, 1972; admitted to bar, 1996, Texas. Preparatory education, Midwestern State University (B.A., 1993); legal education,

University of Texas School of Law (J.D., 1996). Managing Editor, Texas Law Review (1995-1996). Law Clerk to The Honorable George P. Kazen, United States District Court for the Southern District of Texas (1997-1998). Law Clerk to the Texas Sixth Court of Appeals (1996-1997). Author: "To Provide for the Legal Defense: Legal Defense Funds and Federal Ethics Law," 74 Texas Law Review 147 (1995); "Judicial Profile: George P. Kazen," Federal Lawyer, Vol. 49, Nov./Dec. 2002, p. 20. Member: State Bar of Texas; American Bar Association.

IAN B. CROSBY, born Inglewood, California, August 20, 1970; admitted to bar, 1998, Washington. Preparatory education: Reed College, Portland, Oregon (B.A. 1995); Goethe Institut, Bremen, Germany (Zertifikat Deutsch als Fremdsprache, 1989). Legal education: University of Texas School of Law (J.D. with high honors, 1998). Fraternities: Chancellors, Order of the Coif. Articles Editor, Texas Law Review, 1997-98. Law Clerk to The Honorable John C. Coughenour, U.S. District Court for the Western District of Washington, 1998-99; The Honorable Robert Boochever, U.S. Court of Appeals, Ninth Circuit, 1999-2000. Author: Worlds in Stone: Gadamer, Heidegger, and Constitutional Originalism, 75 Tex. L. Rev. 849 (1998); Portland's Asset Forfeiture Program: The Effectiveness of Vehicle Seizure in Reducing Rearrest Among "Problem" Drunk Drivers, in Policing in Eastern and Central Europe: Comparing Firsthand Knowledge With Experience of the West (Milan Pagon ed. 1996).

CHARLES R. ESKRIDGE III, born Cleveland, Ohio, April 23, 1963; admitted to bar, 1990, Texas. Preparatory education, Trinity University (B.S., magna cum laude, 1985); President's Scholar, 1981-85. Legal education, Pepperdine University (J.D., summa cum laude, 1990); Valedictorian; Dean's Scholar, 1987-90; California Supreme Court Survey Editor, Pepperdine Law Review, 1988-90. Law clerk to The Honorable Charles Clark, Chief Judge, United States Court of Appeals, Fifth Circuit, 1990-91; Justice Byron R. White, United States Supreme Court, 1991-92. Special assistant to Howard M. Holtzmann, U. S. Arbitrator, Iran-U. S. Claims Tribunal, The Hague, 1992-94. Author: "The Constitutionality of the Federal Sentencing Reform Act after Mistretta v. United States," 17 Pepp. L. Rev. 683 (1990); "Survey of the California Death Penalty," 16 Pepp. L. Rev. 451 (1989) (co-author). Member: State Bar of Texas; American Bar Association; Houston Bar Association.

PARKER C. FOLSE, III, born Austin, Texas, July 8, 1954; admitted to bar, 1980, Texas; 1982, Arizona; 1995, Washington. Preparatory

May-06

education, Harvard University (B.A., magna cum laude, 1977); legal education, University of Texas (J.D., with high honors, 1980). Fraternities: Chancellors, Order of the Coif, Friars. Editor-in-Chief, Texas Law Review, 1979-80. Law Clerk to The Honorable Joseph T. Sneed, United States Court of Appeals, Ninth Circuit, 1980-81; Justice William H. Rehnquist, United States Supreme Court, 1981-82. Author: "Antitrust and Regulated Industries: A Critique and Proposal for Reform of the Implied Immunity Doctrine," 57 Tex. L. Rev. 749 (1979); Co-author: "Can Courts Govern? An Inquiry Into Capacity and Purpose," in *Governing Through Courts* (Gambitta, May, Foster eds. 1981). Commissioner and Chairman, Texas State General Services Commission (appointed by Governor) (1993-94). Named a "Super Lawyer" among civil litigators by Washington Law & Politics magazine (1999-2002). Member: State Bar of Texas; Washington Bar Association; American Bar Association (Antitrust and Litigation Sections); Vice-Chair, Private Antitrust Litigation Committee, ABA Antitrust Section (2001-present); former Vice-Chair, Civil Practice and Procedure Committee, ABA Antitrust Section (1998-2001); member, Executive Committee, Washington State Bar Antitrust, Consumer Protection, and Unfair Business Practices Section (2000-present); Houston Bar Association; Life Fellow, Texas Bar Foundation.

JOSEPH S. GRINSTEIN, born Houston, Texas, December 10, 1971; admitted to bar, 1997, Texas. Preparatory education, Rice University (B.A., summa cum laude, 1994). Legal education, Yale Law School (J.D., 1997). Fraternity: Phi Beta Kappa. Managing Editor, Yale Law Journal (1996-97). Recipient: Theron Rockwell Field Prize, Best Presentation of Case, Barristers' Union Mock Trial Finals, 1996; John Fletcher Casky Prize, Best Presentation of Case, Barristers' Union Mock Trial Finals, 1997. Law clerk to The Honorable Patrick E. Higginbotham, United States Court of Appeals, Fifth Circuit (1997-98). Author: "The Mythology of Aggregate Corporate Knowledge: A Deconstruction," 65 Geo. Wash. L. Rev. 210 (1997) (with Thomas A. Hagemann); Note, "Jihad and the Constitution: The First Amendment Implications of Combating Religiously Motivated Terrorism," 105 Yale L. J. 1347 (1996). Member: State Bar of Texas; American Bar Association.

ERICA W. HARRIS, born Morristown, New Jersey, May 5, 1972; admitted to bar, 1996, Texas. Preparatory education, Rice University (B.A., magna cum laude, 1993); legal education, University of Texas School of Law (J.D., high honors, 1996). Fraternities: Chancellors, Vice Chancellor; Order of the Coif; Phi Beta Kappa;

Omicron Delta Epsilon. Symposium Coordinator, Texas Law Review. Law Clerk to The Honorable Lee Hyman Rosenthal, United States District Court for the Southern District of Texas, 1996-97; Visiting Lecturer in Law and Olin Fellow, University of Virginia School of Law (1997-1998). Author: "Corporate Restructuring, Technical Change and the Distribution of Labor Income" in *The Macrofoundations of Economic Growth* (1998) (with Dr. Dagobert Brito and Dr. Michael D. Intriligator); "Controlled Impairments Under the Americans with Disabilities Act: A Search for the Meaning of 'Disability,'" 73 Wash. L. Rev. 575 (1998); "The Regulation of Managed Care: Conquering Individualism and Cynicism in the Provision of Health Care," 6 Va. J. Soc. Pol'y & the Law 315 (1999); "Is Age Discrimination Really Age Discrimination?: The ADEA's Unnatural Solution," 72 N.Y.U. L. Rev. 780 (1997) (with Professor Samuel Issacharoff); "Note, In Defense of Targeted ERIPs: Understanding the Interaction of Life-Cycle Employment and Early Retirement Incentive Plans," 74 Tex. L. Rev. 411 (1995). Member: American Bar Association; State Bar of Texas; Houston Bar Association; Fellow of the Houston Bar Foundation; Fifth Circuit Bar Association; Association of Women Attorneys; Houston Young Lawyers Association; Association of Trial Lawyers of America.

GEOFFREY L. HARRISON, born Tarrytown, New York, July 31, 1967; admitted to bar, 1993, Texas and New York. Preparatory education, University of Pennsylvania (B.A., B.S., cum laude, 1989). Legal education, The University of Chicago Law School (J.D., with high honors, 1992). Fraternities: Order of the Coif; Order of Omega National Honor Society; Phi Alpha Theta History Honor Society. Thomas R. Mulroy Award for Excellence in Appellate Advocacy (1992); Karl Llewellyn Memorial Cup Winner (1992); Ford Foundation Fellowship in International Law (1991-92). Associate Comment Editor, The University of Chicago Law Review (1991-92). Law Clerk to The Honorable Gerald Bard Tjoflat, Chief Judge, United States Court of Appeals, Eleventh Circuit, 1992-93. Author: "The Endangered Species Act and Ursine Usurpations: A Grizzly Tale of Two Takings," 58 U. Chi. L. Rev. 1101 (1991); "Settlement Through Summary Jury Trials," 23 The Advocate 22 (2003). Named "Texas Super Lawyer" (2004-2005) and "Texas Rising Star" (2004) in Texas Monthly magazine. Named a "Top Lawyer in Houston" (2005) and one of "Houston's Best Lawyers Under 40" (2004) by H Texas magazine. Member: State Bar of Texas; New York Bar Association; American Bar Association; Houston Bar Association.

May-06

MICHAEL A. LEE, born Houston, Texas, November 5, 1963; admitted to bar, 1990, Texas. Preparatory education, Rice University (B.A., with honors, Bob Quinn Outstanding Scholar Athlete, 1986); legal education: University of Houston (J.D., cum laude, 1990); Rice University "R" Association Scholarship. Associate Editor, Houston Law Review, 1989-90. Author and speaker: "The Charge Conference and The Court's Charge," March 17, 1995, Brazoria County Civil Litigators Society. Author: "Special Techniques For Complex Litigation," July 1994 Advanced Civil Trial Law Course. Co-author: "Toxic Tort Litigation—The Plaintiff's View," January 1994, South Texas College of Law 5th Annual Environmental Law Symposium. Member: American Bar Association; American Trial Lawyers Association; State Bar of Texas; Texas Trial Lawyers Association; Houston Bar Association.

NEAL S. MANNE, born Baytown, Texas, July 31, 1955; admitted to bar, 1980, California; 1981, District of Columbia; 1988, Texas. Preparatory Education, University of Texas (B.A., summa cum laude, Phi Beta Kappa, 1976); legal education, University of Texas (J.D., with high honors, 1980). Fraternities: Chancellors, Order of the Coif, Friars. Associate Editor, Texas Law Review, 1979-80; Association Director, Texas Law Review, 1998. Law Clerk to The Honorable William A. Norris, United States Court of Appeals, Ninth Circuit, 1980-81. Chief Counsel and Staff Director, U. S. Senate Judiciary Subcommittee on Juvenile Justice, 1985-86. Chief of Staff, U. S. Senator Arlen Specter, 1987-88. Adjunct Professor of Law, George Mason School of Law, 1986-87; Commissioner, Texas Alcoholic Beverage Commission (appointed by Governor) 1992-93. "Good Guy of the Year" (co-honoree with Vice-President Gore), National Women's Political Caucus (1994); included in "45 Under 45," The American Lawyer's profile of the 45 best young lawyers in America (1995); University of Texas School of Law "Distinguished Alumnus of the Year for Community Service" (1996). Author: "Re-examining the Supreme Court's View of the Taking Clause," 58 Tex. L. Rev. 1447 (1980); Good Intentions, New Inventions," 58 Tex. L. Rev. 131 (1979); "The Role of State Courts in Labor- Related Access Disputes," 57 Tex. L. Rev. 131 (1978). Member: State Bar of Texas; State Bar of California; District of Columbia Bar; American Bar Association; Houston Bar Association; Fellow, Texas Bar Foundation; Fellow, Houston Bar Association.

DAVID C. MARCUS, born Boston, Massachusetts, February 3, 1960; admitted to bar 1987, New York; 1992, California; 1993, Massachusetts. Preparatory education, Colby College (B.A., summa cum laude, 1982); legal

education, Yale Law School (J.D., 1985). Editor: Yale Law Journal, 1984-85. Law Clerk to The Honorable Mariana R. Pfaelzer, United States District Court for the Central District of California, 1985-86. Assistant Attorney General, Commonwealth of Massachusetts, 1992-94 (Public Protection Bureau). Assistant United States Attorney for the Central District of California, 1994-99 (Major Frauds Section). Executive Assistant United States Attorney, 1999-2000. Member: Bars of the United States District Courts for the Southern and Eastern Districts of New York and for the Central District of California and the United States Court of Appeals for the Ninth Circuit.

KENNETH S. MARKS, born Houston, Texas, January 2, 1956; admitted to bar, 1982, New York and Texas. Preparatory education, Northwestern University (B.A., 1978); legal education, University of Texas (J.D., 1981). Fraternities: Board of Advocates; Teaching Quizmasters. The Review of Litigation, 1980-81. Law Clerk to The Honorable Will Garwood, United States Court of Appeals, Fifth Circuit, 1981-82. Co-author: "Supreme Court Clarifies State-Action Doctrine," N.Y.L.J., July 15, 1980 (with S. Axinn); "Diversity Jurisdiction and Local Bias: A Preliminary Empirical Inquiry," 9 J. Legal Stud. 93 (January 1980) (with J. Goldman). Member: State Bar of Texas; American Bar Association (Antitrust and Litigation Sections); Houston Bar Association.

ERIC J. MAYER, born New Orleans, Louisiana, January 15, 1958; admitted to bar 1984, Louisiana; 1988, Texas. Preparatory education, Tulane University (B.A., cum laude, 1981); legal education, Tulane School of Law (J.D., magna cum laude, 1984). Fraternities: Phi Beta Kappa, Order of the Coif. Managing Editor for Business Affairs, Tulane Law Review 1983-84. Law Clerk to The Honorable Charles Schwartz, Jr., United States District Court, Eastern District of Louisiana, 1984-85. Speaker: "Ultimate Trial Advocacy Institute 2001," Author and Speaker: "How to Protect the Company When the Deal Goes Bad," for Sonat Annual Lawyers Conference, October 1996. Speaker: "Designing Profitable Alternative Billing Arrangements," for Business Development Associates, Inc., July 1996. Author: "For Richer or Poorer—Equities of the Career Threshold, No-Asset Divorce," 58 Tul. L. Rev. 791 (1984). Member: State Bar of Texas; State Bar of Louisiana; American Bar Association (Corporate, Banking, Business Law, General Practice, and Litigation Sections); Houston Bar Association.

KENNETH E. McNEIL, born Columbus, Ohio, June 28, 1944; admitted to bar, 1981, Texas and Wisconsin. Preparatory education, Baylor

May-06

University (B.A., 1966); Vanderbilt University (Ph.D., 1973); legal education, University of Wisconsin (J.D., with honors, 1981). Fraternities: Order of the Coif; Phi Eta Sigma; Omicron Delta Kappa. Articles Editor, Wisconsin Law Review, 1980-81. Law Clerk to The Honorable Samuel D. Johnson, United States Court of Appeals, Fifth Circuit, 1981-82. Speaker: 29th Annual Securities Regulation Institute, sponsored by Northwestern University School of Law (2002). Co-author: "The Profitability of Consumer Protection: Warranty Policy in the Automobile Industry," 25 Admin. Sci. Q. 407 (1980); "Market Discrimination Against the Poor and the Impact of Consumer Disclosure Law: The Used Car Industry," 13 Law and Soc'y Rev. 693 (1979); "Regulation of Medical Devices and Organizational Behavior in Hospitals," 22 Admin. Sci. Q. 475 (1977). Member: State Bar of Texas (Member, Governing Council, Section of Antitrust & Business Litigation, 1987-94, Chairman, Section of Antitrust & Business Litigation, 1994-95); Houston Bar Association; American Bar Association, Committee on Commercial, Banking and Financial Transactions of the Litigation Section; Committee on Federal Practice and Procedure of the Litigation Section; Subcommittee to Update Antitrust Civil Jury Instructions Handbook of the Antitrust Section; Board of Visitors, University of Wisconsin Law School; Board of Directors, University of Wisconsin Law School Alumni Association; President, Wisconsin Law Alumni Association (1999-2001). Member of 12-person Civil Justice Institute, Litigation Section of American Bar Association (2002).

BRIAN D. MELTON, born Shreveport, Louisiana, June 18, 1969; admitted to Texas bar in 1999 (scored second highest on Texas Bar Exam). Preparatory education, United States Military Academy at West Point, New York (B.S. Mechanical Engineering 1991); military service, U.S. Army Infantry Officer (1991-96); legal education, University of Houston (J.D. 1999, summa cum laude - graduated second in class). Houston Law Review Editor, 1997-99 (voted most valuable class law review member in 1998 and 1999). Fraternities: Order of the Coif. Law Clerk to Justice James Baker, Texas Supreme Court (Summer 1997); Law Clerk to The Honorable Tom Stagg, United States District Court, Western District of Louisiana (1999). Named one of "Houston's Best Lawyers Under 40" in H Texas magazine (2004).

STEPHEN E. MORRISSEY, born Kettering, Ohio, July 3, 1971; admitted to bar, 1997, California. Preparatory education, University of Iowa (B.A., with honors and distinction, 1993); legal education, Columbia University School of Law (J.D., 1996). Fraternities: Phi Beta Kappa.

Managing Editor (1995-96) and Staff Member (1994-95), Columbia Law Review, James Kent Scholar (1996) and Harlan Fiske Stone Scholar (1994-95). Law Clerk to the Honorable David M. Ebel, United States Court of Appeals, 10th Circuit. Author: Note, "State Settlement Class Actions that Release Exclusive Federal Claims: Developing a Framework for the Multijurisdictional Management of Shareholder Litigation," 95 Colum. L. Rev. 1765 (1995). Member: State Bar of California; American Bar Association (Litigation and Antitrust Sections); Los Angeles County Bar Association.

KAREN A. OSHMAN, born New York, New York, October 26, 1960; admitted to bar, 1985, Texas. Preparatory education, Yale College (B.A., summa cum laude, 1982); legal education, Yale Law School (J.D., 1985). Fraternities: Phi Beta Kappa. Law Clerk to The Honorable Carolyn Dineen King, United States Court of Appeals, Fifth Circuit, 1985-86. Publications: "An Impermissible Punishment: The Decline of Consistency as a Constitutional Goal in Capital Sentencing," 5 Pace L. Rev. 371 (Winter 1985). Member: State Bar of Texas; Fellow, Texas Bar Foundation.

TERRELL W. OXFORD, P.C., born San Antonio, Texas, December 31, 1946; admitted to bar, 1977, Texas. Preparatory education, Harvard University (B.A., cum laude, 1969); legal education, University of Texas School of Law (J.D., with honors, 1977). Texas Law Review, 1975-77. Author: "Antitrust-Tying Arrangements-Class Actions," 55 Tex. L. Rev. 343 (1977). Speaker: State Bar of Texas, Hot Topics in Litigation; Advanced Civil Discovery Seminar, University of Houston Continuing Education Program; Southwest Legal Foundation Antitrust Course; New York Bar Association's Seminar on Trade Regulation. Co-author and Speaker: "High Technology Companies and Federal Security Law", State Bar of Texas Seminar, May, 2000. Member: Civil Justice Reform Act Advisory Committee for the Northern District of Texas (1992-93); Chairman, Magistrate Judge Selection Panel for the Northern District of Texas (1993-94); State Bar of Texas; American Bar Association; Dallas Bar Association. Selected: 1997, 2001, 2005 by D Magazine as one of the best lawyers in Dallas; Texas Super Lawyer by Texas Monthly magazine in 2003, 2004 and 2005.

THOMAS W. PATERSON, born Morenci, Arizona, January 6, 1958; admitted to bar, 1984, Wisconsin; 1985, Texas; 2003, New Mexico. Education: Texas A&M University (B.S., summa cum laude, Rudder Award, 1979); University of Wisconsin (M.A., with distinction, 1981; Ph.D., 1984; J.D., magna cum laude, 1984).

May-06

Fraternities: Order of the Coif; Phi Kappa Phi; Gamma Sigma Delta. Honors: Law Clerk to The Honorable Thomas Gibbs Gee, United States Court of Appeals, Fifth Circuit, 1985-86; Quality of Research Discovery Award for 1988, American Agricultural Economics Association; 1997 Distinguished Alumni Lecturer in Agricultural Economics, University of Wisconsin; 2004 New Mexico Tree Farmer of the Year. Publications: "The Effects of Monsanto, Matsushita and Sharp on the Plaintiff's Incentive to Sue," 23 Conn. L. Rev. 333 (1991); "The Sunkist Case: A Study in Legal-Economic Analysis" (1987); "Sherman Section 2 Monopolization for Agricultural Marketing Cooperatives," 60 Tulane L. Rev. 955 (1986); "State Sales-Below-Cost Laws: Evidence from the Grocery Trade," 62 J. Retailing 166 (1986); "Policies to Promote Competition," in The Organization and Performance of the U. S. Food System (1986). Member: State Bar of Texas; State Bar of New Mexico; American Bar Association (Vice-Chairman of Energy and Natural Resources Litigation Committee, 1998-2001); Houston Bar Association; American Agricultural Economics Association; College of Agriculture Development Council (1990-present) and Texas A&M University.

J. HOKE "TREY" PEACOCK III, born Austin, Texas, April 24, 1965; admitted to bar, 1990, Texas. Preparatory education, Princeton University (A.B., with honors, 1987); legal education, University of Texas (J.D., with honors, 1990). Fraternities: Chancellors, Order of the Coif. Managing Editor, Texas Law Review, 1989-90. Law Clerk to The Honorable Joseph T. Sneed, United States Court of Appeals, Ninth Circuit, 1990-91. Author: "Deviation and the Package Limitation in the Hague Rules and the Carriage of Goods by Sea Act: An Alternative Approach to the Interpretation of International Uniform Acts," 68 Tex. L. Rev. 977 (1990). Honors: named to the inaugural list of "Texas Rising Stars" in June 2004, recognizing the top Texas lawyers, age 40 years or younger. Member: State Bar of Texas; American Bar Association; Houston Bar Association.

SHAWN L. RAYMOND, born Honolulu, Hawaii, February 8, 1972; admitted to bar, 2000, Texas. Preparatory education, George Washington University (B.A., magna cum laude, 1994). Teach for America, Mississippi Delta (1994-96). Legal education, University of Texas School of Law (J.D., with honors, 1999). Fraternities: Phi Beta Kappa. Managing Editor, Texas Law Review (1998-99). Law Clerk to The Honorable Samuel B. Kent, United States District Court for the Southern District of Texas (1999-2000). Note, Where Are the Reasonable Efforts to Enforce the Reasonable Efforts Requirement?: Monitoring State Compliance Under the Adoption

Assistance and Child Welfare Act of 1980, 77 Tex. L. Rev. 1235 (1999). Member: State Bar of Texas.

ROBERT RIVERA, JR., born Jacksonville, Florida, March 21, 1966; admitted to bar, 1990, Texas. Preparatory education, University of Texas (B.A., 1986). Legal education, Yale Law School (J.D., 1990). Member: State Bar of Texas; Houston Bar Association; American Bar Association; Texas Trial Lawyers Association; Houston Young Lawyers Association.

JONATHAN J. ROSS, born New York, New York, May 31, 1965; admitted to bar, 1993, New York; 1994, Texas. Preparatory education, Georgetown University (B.A., magna cum laude, 1987); Morris Historical Medal. Legal education, Yale Law School (J.D., 1992). Fraternities; Phi Beta Kappa. Senior Editor, Yale Law Journal (1991-92); Managing Editor and Student Writing Editor, Yale Journal of International Law (1990-91). Law Clerk to The Honorable Lynn N. Hughes, United States District Court for the Southern District of Texas, 1992-94. Member: State Bar of Texas; State Bar of New York; American Bar Association.

EDGAR G. SARGENT, born Grand Forks, North Dakota, June 9, 1963; admitted to bar, 1998, Washington. Preparatory education, Yale University (B.A. in philosophy, 1986). Legal education, University of Washington (J.D. with high honors, 1998). Fraternities: Order of the Coif. Editor in Chief, Washington Law Review, 1997-98. Law Clerk to The Honorable John C. Coughenour, Chief Judge of the U.S. District Court for the Western District of Washington, 1998-2000. Part-time lecturer, University of Washington School of Law, summer term 2000. Member: State Bar of Washington.

MARY KATHRYN SAMMONS, born El Paso, Texas, March 13, 1958; admitted to bar, 1987, Texas. Preparatory education, Rice University (B.A., cum laude, 1981); legal education, University of Houston (J.D., summa cum laude, 1987). University of Houston Law Foundation Academic Excellence Award (award for graduating first in class), 1987. Fraternities: Order of the Coif; Order of Barons. Associate Editor, Houston Law Review, 1986-87. Law Clerk to The Honorable Carolyn Dineen King, United States Court of Appeals, Fifth Circuit, 1987-88. Author: "Comparable Worth and the Courts: How Fear of the Market Place is Changing the Face of Title VII," 23 Hous. L. Rev. 1185 (1986). Member: State Bar of Texas; American Bar Association (Litigation and Insurance Law Sections); Houston Bar Association.

May-06

MARC M. SELTZER, born Los Angeles, California, April 30, 1947; admitted to bar, 1972, California. Preparatory education, University of California at Berkeley (B.A., 1969); legal education, UCLA School of Law (1972). Deputy Attorney General for the State of California (1972-73). Author: "Shareholders' Derivative Suits in Contests for Corporate Control," published in *Securities Litigation* 1986: Prosecution and Defense Strategies (PLI 1986); "Measures of Damages in Private Actions for Violations of the Federal Securities Laws: The Basic Rules and Selected Problems," published in *Securities Litigation* 1990 (PLI 1990); "Choosing Between Class and Derivative Actions," published in *Second Annual Institute, Class and Derivative Litigation in the 1990's — The New Frontier* (Prentice Hall Law & Bus. 1991); and the same topic for the Third, Fourth, and Fifth Annual Institutes; co-author, *Antitrust and Trade Regulation Law Section, State Bar of California, California Antitrust Law (Second)*. Recent Development in the Law of Attorney-Client Privilege, published in *Litigation & Resolution of Complex Class Actions* (Glasser Legal Works 2000); *California Antitrust and Unfair Competition Law (Third)* (2003) published by the Antitrust and Unfair Competition Law Section of the State Bar of California; *California Federal Civil Rules* (Matthew Bender & Co., Inc. 2005). Member: Bars of the United States District Courts for the Central, Southern, Eastern, and Northern Districts of California and the United States Courts of Appeals for the Fifth, Ninth, Tenth and Eleventh Circuits; American Bar Association (and its Business Law, Antitrust Law, Torts and Insurance Law, and Litigation Sections); American Law Institute; Association of Trial Lawyers of America; Association of Business Trial Lawyers; the Los Angeles County Bar Association; Selden Society; Board of Editors of *Class Action Reports*; Ninth Judicial Circuit Historical Society, and Board of Directors of the Legal Aid Foundation of Los Angeles.

FLOYD G. SHORT, born Heidelberg, Germany; admitted to bar, 1992, Washington; Preparatory education: Williams College (B.A. magna cum laude, 1985); legal education, Yale Law School (J.D. 1990). Editor, *Yale Law Journal*, 1989-1990. Law Clerk to The Honorable Betty B. Fletcher, U.S. Court of Appeals, 9th Circuit (1990-1991). Named a "Rising Star" by *Washington Law & Politics Magazine* (2002). Member: Washington State Bar Association, U.S. Court of Appeals for the 9th Circuit, Federal Bar Association.

JAMES T. SOUTHWICK, born Syracuse, New York, July 16, 1960; admitted to bar, 1990, New York; 1992, District of Columbia; 1997, Texas. Preparatory education, College of William and Mary (B.A. 1982); legal education, Syracuse

University College of Law (J.D. magna cum laude, 1989). Editor-in-Chief, *Syracuse Journal of International Law & Commerce*, 1988-89. Fraternities: Order of the Coif. Member: Association of the Bar of the City of New York, District of Columbia Bar Association, State Bar of Texas, American Bar Association.

HARRY P. SUSMAN, born Houston, Texas, March 31, 1969; admitted to bar, 1998, Texas. Preparatory education, Yale University (B.A., cum laude, 1991). Legal education, University of Texas (J.D., with high honors, 1996). Fraternities: Chancellors, Order of the Coif. Editor-in-Chief, *Texas Law Review*, 1995-96. Law Clerk to The Honorable Alex Kozinski, United States Court of Appeals, Ninth Circuit, 1996-1997; Justice Anthony M. Kennedy, United States Supreme Court, 1997-1998. Co-author: "Original Mean[der]ings", 49 *Stan. L. Rev.* 1583 (1997). Member: State Bar of Texas; American Bar Association; Houston Bar Association.

KATHERINE G. TREISTMAN, born Moscow, U.S.S.R., April 20, 1970; admitted to bar, 1996, Texas. Preparatory education, Tufts University (B.A., magna cum laude, 1993); Columbia University (Study Abroad in Paris, 1992); Georgetown University (School of Foreign Service, 1991); The White House, Office of Presidential Speechwriting, 1991. Legal education, University of Texas Law School (J.D., with honors, 1996). Member, *Texas Law Review*, 1994-96; Order of the Coif, 1996; Law Clerk to Justice Rose Spector, Texas Supreme Court (Spring 1996); Winner and Best Advocate, Locke Purnell Rain & Harrell Mock Trial Competition, 1995; Finalist and Best Brief, Gibbs & Bruns Moot Court Competition, 1994; Member: American Bar Association, State Bar of Texas, Houston Bar Association, Houston Young Lawyers Association, Association of Women Attorneys and Houston Trial Lawyers Association.

MAX L. TRIBBLE, JR., born Redding, California, December 17, 1963; admitted to bar, 1988, Texas. Preparatory education, University of Texas (B.B.A., with high honors, 1985); legal education, Harvard Law School (J.D., cum laude, 1988). Editor, *Harvard Journal of Law and Public Policy*, 1986-87. Member: State Bar of Texas; American Bar Association (Business Law, Litigation, and Antitrust Sections); Houston Bar Association.

JOHN W. TURNER, born Crockett, Texas, November 12, 1974; admitted to bar, 2000, Texas. Preparatory education, Harvard University (B.A., 1997). Legal education, Yale Law School (J.D. 2000). Law Clerk to The

May-06

Honorable Lee H. Rosenthal, United States District Court for the Southern District of Texas (2000-2001). Thurman Arnold prize as Best Oral Advocate; Morris Tyler Moot Court of Appeals at Yale (1998). Member: State Bar of Texas.

MARK L. D. WAWRO, born Hartford, Connecticut, October 13, 1952; admitted to bar, 1981, Texas. Preparatory education, Brown University (B.A., with honors, 1975); legal education, University of Texas (J.D., with honors, 1979). Board Certified Civil Trial Law – Texas Board of Legal Specialization. Articles Editor, Texas Law Review, 1978-79. Law Clerk to The Honorable Carolyn D. King, United States Court of Appeals, Fifth Circuit, 1979-80. Author: "Effective Presentation of Experts," 19 Litigation (ABA), Spring, 1993; "The Spa Fields Conspiracy," 19 Litigation (ABA), Winter, 1993. Co-author: "State Action Immunity and Antitrust Issues in Cable Television Franchising," 3 Comm/Ent 645 (1982). Honors: listed in The Best Lawyers in America (Texas Business Litigation), 1999-2000 ed.; Guide to the World's Leading Litigation Lawyers, 1997 ed. Member: State Bar of Texas; Fellow, Texas Bar Foundation; Houston Bar Association; American Bar Association; ABA Task Force on Sample Antitrust Civil Jury Instruction.

OF COUNSEL

CAROLYN P. COURVILLE, born DeRidder, Louisiana, January 19, 1957; admitted to bar, 1998, Texas. Preparatory education, Louisiana State University (B.A., cum laude 1978), Cornell University (M.Sc., Geophysics 1984), University of Cambridge (Ph.D., Geophysics, 1990). Legal education, University of Houston (J.D., magna cum laude, 1998). Fraternities: Order of the Barons. Articles Editor, Houston Law Review. Author: "Rationales for the Confidentiality of Psychotherapist-Patient Communications: Testimonial Privilege and the Constitution," 35 Houston L. Rev. 187 (1998).

MICHAEL DIEHL, admitted to bars of Texas (1986) and Washington State (2001); United States District Courts for the Western (1987), Southern (1988), and Northern (1990) Districts of Texas, and United States District Court for the Western District of Washington (2005); United States Court of Appeals, Fifth Circuit (1987); United States Supreme Court (2000). Education: M.A. (Journalism, School of Communications) – University of Texas at Austin (1987); J.D. 1986 (with high honors) – University of Texas at Austin, School of Law. Editor in Chief, Vol. 64 Texas Law Review; Chancellors; Order of the Coif; Herndon Award in Antitrust Law, Baker &

Botts Awards for Outstanding second and Third Year Student in School of Law. Previous legal career: Law clerk for the Hon. Will Garwood, United States Court of Appeals, Fifth Circuit (1986-1987); Graves Dougherty Hearon & Moody (Austin, Texas) (1987 to August 2005) (business litigation, appeals, and administrative and utility law); individually A/V-rated since 1996; peer-selected for inclusion in The Best Lawyers in America (administrative law, 2000-2005), Texas Superlawyers (appellate practice) (2003, 2004), and Austin Monthly "superlawyers" (public utility law) (2003); member of ABA, Washington State, Texas, and Austin bar associations; coordinator of UT-Austin law school's interscholastic appellate advocacy competition program (1991-1992); member, Austin chapter of the American Inns of Court (1989-1995); during law school, served on advisory boards and commissions for the Federal Office of Child Support and the National Center for State Courts (on models for determining child support obligations), Texas Governor's Commission on Child Support, and the Texas Supreme Court's advisory committee on child support guidelines. Joined the firm in 2005.

STUART V. KUSIN, born Texarkana, Texas, June 16, 1961; admitted to bar, 1986, Texas. Preparatory education, University of Texas at Austin (B.A., 1983); legal education, South Texas College of Law (J.D., 1985). Co-author: "Monetary Relief for the Franchisee and Franchisor-Franchisee's Recovery of Punitive Damages and Attorney's Fees," October 1995, for American Bar Association's Forum on Franchising. Co-author: "Federal Preemption," August 1996, 19th Annual Advanced Civil Trial Course for the State Bar of Texas. Co-author: "Federal Rules," November 1996, South Texas College of Law's Second Annual Discovery Practice Conference. Member, State Bar of Texas (Member, Antitrust and Litigation Sections), Houston Bar Association (Member, Litigation Section).

ASSOCIATES

SUYASH AGRAWAL, born Allahabad, India; admitted to bar 2002, Texas. Preparatory education: Bucknell University (B.A., Economics and History, magna cum laude with departmental honors, 1999); University of Oxford, Mansfield College, 1997-98 (PPE). Legal education: The University of Chicago Law School (J.D., with honors, 2002). Fraternities: Phi Beta Kappa. Honors & Distinctions: Member, The University of Chicago Law Review; Law Clerk to The Honorable Jacques L. Wiener, Jr., United States Court of Appeals, Fifth Circuit (2003-04); Thomas

May-06

R. Mulroy Award for Excellence in Appellate Advocacy; James B. Blake Scholar (1999-2002); Illinois Judicial Council Scholarship; JTB Foundation Constance Baker Motley Prize. Languages: Hindi. Professional Affiliations: State Bar of Texas; Houston Bar Association; American Bar Association.

CARL R. BARRY, born Greeneville, Tennessee, May 6, 1977; admitted to bar, 2002, Texas. Preparatory education: University of Florida (B.S., with honors, 1999). Legal education: University of Texas School of Law (J.D., with honors, 2002). Honors and Distinctions: Nick C. Nichols Endowed Presidential Scholarship in Advocacy (2001-02); Vice Dean, Delta Theta Phi; Professional Affiliations: American Bar Association (Litigation Section); State Bar of Texas; Texas Trial Lawyers Association; Houston Young Lawyers Association. Before joining Susman Godfrey, represented industrial workers and their families in both federal and state courts for negligence and wrongful death cases involving exposure to toxic fumes and chemicals.

JEREMY J. BRANDON, born Tahoka, Texas, February 28, 1978. Admitted to bar, 2003, Texas; 2004, District of Columbia. Preparatory education, Texas A&M University (B.S., Political Science, summa cum laude, 2000); legal education, Harvard Law School (J.D., magna cum laude, 2003). Law Clerk to the Honorable Jeffrey R. Howard, United States Court of Appeals, First Circuit, 2003-2004. Member: State Bar of Texas, District of Columbia Bar, Bar of the United States Court of Appeals for the First Circuit, and Bar of the United States District Court for the Northern District of Texas.

WARREN T. BURNS, born Columbus, Mississippi; admitted to New York State, 2005; not admitted to practice in Texas. Legal education: Tulane University School of Law (J.D., with highest honors, 2004). Law Clerk to the Honorable Paul J. Kelly, Jr., United States Court of Appeals for the 10th Circuit (2004-2005). Editor in Chief, Tulane Law Review, 2003-04. Order of the Coif. Member: Admitted to practice in New York State and U.S. Court of Appeals for the 10th Circuit; New York State Bar Association; American Bar Association.

VICTORIA L. COOK, born Carrollton, Texas, February 22, 1975; admitted to bar, 2001, Texas. Preparatory education, University of Houston (B.A. with University Honors and Honors in Major, magna cum laude, 1997); legal education, University of Texas School of Law (J.D., with honors, 2001). Fraternities: Chancellors; Order of the Coif. Associate Editor, Texas Law Review (2000-2001). Law Clerk to The Honorable Lee H. Rosenthal, United States District Court for the

Southern District of Texas (2001-2002). Author: Note, Life in Prison Without A Trial: The Indefinite Detention of Immigrants in the United States, 79 Tex. L. Rev. 769 (2001); Resolving Human Rights Violations of Past Regimes: Argentina's Policy Choices, 1983-1990 (Univ. of Houston Honors College Thesis, 1997). Member: State Bar of Texas.

NICHOLAS F. DAUM, born Santa Monica, California, November 19, 1974; admitted to the bar 2005, California. Preparatory education: Cornell University (B.A., magna cum laude, Duniway Prize, 1996); University of California at Berkeley (M.A., History, 2000); legal education, Yale Law School (J.D. 2003). Phi Beta Kappa; U.C. Berkeley Departmental Scholar. Notes Editor, Yale Law Journal, 2002-2003; Executive Editor, Yale Journal on Regulation, 2002-2003; Coker Fellow. Law Clerk to the Honorable Raymond C. Fisher, U.S. Court of Appeals, Ninth Circuit, 2003-2004. Author "Section 1983, Statutes and Sovereign Immunity," 112 Yale Law Journal 353 (2002).

LANE DILG, born Houston, Texas; Not admitted to practice in Texas. Preparatory education: University of North Carolina at Chapel Hill (B.A. with highest honors, 1999), Harvard Divinity School (M.T.S., 2001). Legal education: Yale Law School (J.D., 2004). Law Clerk to the Honorable Raymond C. Fisher, U.S. Court of Appeals for the 9th Circuit (2004-2005); Essays Editor, Yale Law Journal; Phi Beta Kappa; John Motley Morehead Scholar.

MICHAEL P. FRITZ, born Baton Rouge, Louisiana, February 9, 1977. Admitted to bar, 2002, Texas. Preparatory education, The University of Texas (B.A., Economics, with special honors, 1999); legal education, The University of Texas School of Law (J.D., with honors, 2002). Fraternities: Order of the Coif. Member: State Bar of Texas, United States District Courts for the Northern and Eastern Districts of Texas, and Dallas Bar Association.

JASON P. FULTON, born Midland, Texas, 1974. Admitted to the bar 2003, Texas. Preparatory education, University of Pennsylvania (B.A. 1997). Legal Education, The University of Texas School of Law (J.D., with high honors, 2003). Order of the Coif, Associate Editor, Texas Law Review. Law Clerk to the Honorable Royce C. Lamberth, United States District Court for the District of Columbia, 2003-2004. Member: State Bar of Texas.

KENNETH E. GARDNER, born Pittsburgh, Pennsylvania, August 11, 1962; admitted to bar,

May-06

1988, Texas. Preparatory education, University of Texas, Arlington (B.B.A. 1984); legal education, Southern Methodist University School of Law (J.D., 1988). Member: State Bar of Texas; American Bar Association; Dallas Bar Association.

DREW D. HANSEN, born Merrill, Wisconsin, October 22, 1972, admitted to bar 2000, Washington. Preparatory education: Harvard University (A.B., summa cum laude, 1995); Oxford University (B.A., 1997). Legal education: Yale Law School (J.D., 2000). Rhodes Scholar. Editor, Yale Law Journal. Recipient of Judge William E. Miller Prize (2000), Colby Townsend Prize (1999). Law Clerk to The Honorable Pierre N. Leval, United States Court of Appeals for the Second Circuit, 1999-2000. Named a "Rising Star" by Washington Law & Politics magazine (2002). Author: *The Dream: Martin Luther King, Jr., and the Speech that Inspired a Nation* (forthcoming, HarperCollins, 2003), "The Sit-Down Strikes and the Switch in Time," 46 Wayne Law Review 49 (2000), "The American Invention of Child Support: Dependency and Punishment in Early American Child Support Law," 108 Yale Law Journal 1123 (1999).

RICHARD W. HESS, born Columbus, Ohio, November 22, 1972; admitted to bar, 2004, Texas. Preparatory education, Emory University (B.A., 1995). Spokesperson, Democratic National Committee, Washington, D.C. (1996-2001). Legal education, The University of Chicago Law School (J.D., with honors, 2004). Fraternities: Phi Beta Kappa, Phi Alpha Theta History Honor Society, Pi Sigma Alpha Political Science Honor Society. Thomas R. Mulroy Award for Excellence in Appellate Advocacy (2004); Karl Llewellyn Memorial Cup Winner (2004). Member, The University of Chicago Law Review (2002-2004). Note, *No Fair Play for Millionaires? McCain-Feingold's Wealthy Candidate Restrictions and the First Amendment*, 70 U. Chi. L. Rev. 1067 (2003). Law Clerk to The Honorable Lee H. Rosenthal, United States District Court for the Southern District of Texas (2004-2005). Member: State Bar of Texas.

KATHRYN P. HOEK, born State College, Pennsylvania, October 14, 1975; admitted to bar, 2001, California. Preparatory education, Yale University (B.A. with Honors and Distinction in Major, summa cum laude, 1997); legal education, Yale Law School (J.D., 2001). Fraternities: Phi Beta Kappa. Coker Fellow (2000-2001). Law Clerk to The Honorable Lee H. Rosenthal, United States District Court for the Southern District of Texas (2001-2002). Member: State Bar of California, Federal Bar Association, Association of Business Trial Lawyers.

CHRISTOPHER F. JEU, born Houston, Texas, July 9, 1973; admitted to bar 2005, Texas. Preparatory education: Columbia College (B.A. - English Literature, 1996. Magna Cum Laude. Fraternities: Phi Beta Kappa. Columbia University (M.A. - English Literature, 2000). Legal education: Yale Law School (J.D. 2005). Yale Law Journal. Member: State Bar of Texas; Houston Young Lawyers Association; Asian American Bar Association.

ALEXANDER L. KAPLAN, born Princeton, New Jersey, February 5, 1980; admitted to bar, 2004, Texas. Preparatory education: University of Colorado at Boulder (B.A., 2001). Legal education: University of Texas School of Law (J.D., with high honors, 2004). Law School Honors: Order of the Coif; Editor-in-Chief, Texas Law Review, 2003-04; National Champion, Judge John R. Brown National Admiralty Moot Court Competition, 2004; Dean's Award in Antitrust; Endowed Presidential Scholarship, 2003-04. Law Clerk to the Honorable Jerry E. Smith, United States Court of Appeals, Fifth Circuit, 2004-05. Member: State Bar of Texas; American Bar Association; Houston Bar Association.

WILLIAM R. H. MERRILL, born New Haven, Connecticut, January 6, 1968; admitted to bar, May, 1999, Texas. Preparatory education, University of Texas at Austin (B.A. Plan II - Liberal Arts, 1991; MBA 1993). Legal education, University of Texas School of Law (J.D. 1998). Law School Honors: Selected as Clerk of the Chancellors, Order of the Coif. Member: State Bar of Texas.

TIBOR L. NAGY, born Weehawken, New Jersey, January 2, 1978; admitted to bar, 2003, Texas. Preparatory education, Dartmouth College (B.A., summa cum laude, 2000); legal education, Yale Law School (J.D., 2003). Law Clerk to the Honorable Melinda Harmon, United States District Court for the Southern District of Texas (2003-2005). Author: *The "Blind Look" Rule of Reason: Federal Courts' Peculiar Treatment of NCAA Amateurism Rules*, 15 Marq. Sports L. Rev. 331 (2005); *Exploding the Blackmail Myth: A New Perspective on Class Action Settlements*, __ Baylor L. Rev. __ (2005) (forthcoming) (co-authored with Allan Kanner); *Measuring Loss of Use Damages in Natural Resource Damage Actions*, __ Colum. J. Envtl. L. __ (2005) (forthcoming) (co-authored with Allan Kanner); *The Fall of the False Dichotomy: The Effect of Desert Palace v. Costa on Summary Judgment in Title VII Discrimination Cases*, 46 S. Tex. L. Rev. 137 (2004); *Arguing the Toxic Tort Case: Some Thoughts on the Process* (Louisiana Trial Lawyers Association 2006) (forthcoming) (co-authored with Allan Kanner); *Crocodile Tears: Polluters' Concerns About Contingency Fees in*

May-06

NRD Cases, ABA Environmental Litigation Committee Newsletter, Vol. 6 (November 2004) (co-authored with Allan Kanner); The Use of Contingency Fees in Natural Resource Damage and Other Parens Patriae Cases, BNA Toxics Law Reporter, Vol. 19 No. 32 (Aug. 12, 2004), p. 745 (co-authored with Allan Kanner); Communications Between Attorneys and Putative Class Members, in Attorney-Client Privilege in Civil Litigation: Protecting and Defending Confidentiality (American Bar Association, 3rd ed., 2004) (co-authored with Allan Kanner); Perspectives on the Attorney-Client Privilege and the Work Product Doctrine, in Attorney-Client Privilege in Civil Litigation: Protecting and Defending Confidentiality (American Bar Association, 3rd ed., 2004) (co-authored with Allan Kanner).

RYAN L. NELSON, born Oklahoma City, Oklahoma, July 1, 1977. Admitted to bar, 2002, Texas. Preparatory education, Southern Methodist University (B.S. Mathematics, cum laude with honors in the liberal arts, 1999; B.A. Political Science, cum laude with honors in the liberal arts, 1999); legal education, The University of Chicago (J.D., 2002). Fraternities: Kappa Sigma. Comment Editor, University of Chicago Legal Forum (Volume 2001). Author "Rearming Felons: Federal Jurisdiction under 18 USC § 925(c)" 2001 U Chi Legal F 551 (2001). Law Clerk to the Honorable Sidney A. Fitzwater, Judge, United States District Court for the Northern District of Texas (Dallas). Member: State Bar of Texas, Dallas Bar Association, Dallas Young Lawyers Association.

JUSTIN A. NELSON, born Houston, Texas, November 22, 1974; admitted to bar 2001, Washington; 2002, Texas; 2004, District of Columbia. Preparatory education, Yale University (B.A., cum laude, 1997); legal education, Columbia University (J.D. 2000). Awards: James Kent Scholar, 1997-98, 1998-99, 1999-2000; Class of 1912 Prize; James Elkins Prize; Young B. Smith Prize; John Ordronaux Prize for Highest Academic Average in Graduating Class. Articles Editor, Columbia Law Review (1999-2000). Law Clerk to the Honorable J. Harvie Wilkinson III, United States Court of Appeals for the 4th Circuit (2000-2001); Justice Sandra Day O'Connor, United States Supreme Court (2002-2003). Publications: "The Supply and Demand of Campaign Finance Reform," 100 Columbia Law Review 524 (2000); "Drafting Lyndon Johnson: The President's Secret Role in the 1968 Democratic Convention," 30 Presidential Studies Quarterly 688 (2000); "Discrimination with a Difference: Can Employment Discrimination Law Accommodate the Americans with Disabilities Act?" 79 N.C.L. Rev. 307 (2001) (co-author Samuel Issacharoff).

DAVID H. OROZCO, born Lyons, Illinois, November 14, 1972; admitted to bar, 2002, California. Preparatory education, University of Illinois at Urbana-Champaign (B.A., magna cum laude, 1994); legal education, Stanford Law School (J.D., with distinction, 2001). Fraternities: Phi Beta Kappa. Editor, Stanford Law Review. Law Clerk to The Honorable Michael S. Kanne, United States Court of Appeals for the Seventh Circuit. Member: State Bar of California.

SHAWN J. RABIN, born Skokie, Illinois, November 4, 1977, admitted to bar 2003, Texas. Preparatory education, Georgetown University – School of Foreign Service (B.S.F.S., cum laude, recipient of the Dean's Award, 2000). Legal education, The University of Texas School of Law (J.D., with high honors, 2003). Fraternities: Chancellors; Order of the Coif. Robert S. Strauss Presidential Scholar. Associate Editor, Texas Law Review (2002-2003). Law Clerk to the Honorable Juan R. Torruella, United States Court of Appeals, First Circuit, 2003-2004. Co-editor: Manual on Usage Style & Editing (Texas Law Review Ass'n et. al. ed., 9th ed. 2002). Member: State Bar of Texas; Northern, Southern, Western and Eastern Districts of Texas; United States Court of Appeals for the First, Fifth, and Tenth Circuit.

STEVEN G. SKLAVER, born Lake Forest, Illinois, January 5, 1973; admitted to bar 1998, Illinois; 2000, Colorado. Preparatory education, Dartmouth College (B.A., cum laude, 1994); legal education, Northwestern University School of Law (J.D., magna cum laude, Order of the Coif, 1998). Member: Northwestern University Law Review. Law Clerk to The Honorable David M. Ebel, United States Court of Appeals for the Tenth Circuit, 1998-99. Author: Federal Power to Commandeer State Courts: Implications for the Theory of Judicial Federalism, 32 Ind. L. Rev. 71 (1998) (with Martin Redish). Member: Bars of the United States District Court for the District of Colorado; United States Court of Appeals for the Ninth and Tenth Circuit; United States Supreme Court.

KALPANA SRINIVASAN, born in Oakbrook, Illinois; admitted to California Bar, 2005. Preparatory education: Yale University (B.A., Comparative Literature, cum laude, 1997); Legal education: Stanford Law School (J.D., with distinction, 2004). Law Clerk to The Honorable Raymond C. Fisher, U.S. Court of Appeals for the 9th Circuit (2004-2005). Best Team and Best Brief Awards, Marion Rice Kirkwood Moot Court Competition (2004). Himler Oehlmann Jr. Writing Award. Symposium Editor, *Stanford Law Review*. Member: California State Bar, U.S. Court of Appeals for the 9th Circuit.

May-06

GRETCHEN S. SWEEN, born Charlotte, North Carolina, November 13, 1963; admitted to bar, 2003, Texas. Preparatory education: New York University (B.F.A. program), The University of Texas at Dallas (B.A., magna cum laude, 1988), (M.A. 1990), (Ph.D., with distinction, 1994); Legal education: The University of Texas (J.D., with honors, 2003). Law School Honors: Order of the Coif 2003; Order of Barristers 2003; Niemann Cup Winner for Excellence in Advocacy 2003; ABA National Appellate Advocacy Competition: National Championship Finalist, Regional Champion and Best Brief 2003; National Moot Court Team: National Finalist, Regional "Best Oralist" in the Final Round, and Second Best Brief 2002-2003; National Moot Court Regional Best Speaker Award 2001; The Board of Advocates Outstanding Member Award 2002; Scott, Douglass & McConico Litigation Award 2002; Susman Godfrey Intramural Moot Court Champion 2002; ATLA Interscholastic Mock Trial Interscholastic Team Regional Semi-finalist 2002; Baron & Budd Intramural Mock Trial Semi-Finalist 2002; Thad T. Hutcheson Moot Court Champion 2001; The Review of Litigation's First Year "Best Brief" Award 2001. Texas Law Review, 2001-2003, Associate Editor 2002-2003, "Best Published Note" 2003. Author: Rituals, Riots, Rules, and Rights: The Astor Place Theater Riot of 1849 and the Evolving Limits of Free Speech, Tex. L. Rev., Vol. 81, No. 2, Dec. 2002; Eurydice's Rhapsody, Art Times, Vol. 17, No. 10, June 2001; Ritual/Performance Hybrids: Unlikely Sites of Holocaust Theatre, Theatre Research International, Fall 1994; Binary Oppositions: Software for a Progressive Friction, New Orleans Rev., Vol. 18, No. 4, Winter 1991; Interdisciplinary (Dis)orientation, Philosophica, Vol. 48, No. 2, 1991. Law Clerk to the Honorable Sim Lake, United States District Court, Southern District of Texas 2003-2004.

BROOKE TAYLOR, born Washington, D.C., August 7, 1977. Admitted to bar 2002, Washington. Preparatory education, Duke University (B.A. in Psychology, 1998). Legal education, The University of Chicago (J.D., 2001). Executive Editor University of Chicago Legal Forum, 2000-2001. Law Clerk to The Honorable Gerald Bard Tjoflat, United States Court of Appeals, Eleventh Circuit, 2001-2002. Member: State Bar of Washington; American Bar Association (Litigation and Administrative Law Sections); King County Bar Association.

LEXIE G. WHITE, born Baton Rouge, Louisiana, August 1, 1979; admitted to bar, 2004, Louisiana; 2005, Texas. Preparatory education, Virginia Polytechnic and State University (B.A., cum laude, 2001); legal education, Louisiana State University (J.D., B.C.L., 2004 - graduated first in

class). Fraternities: Order of the Coif. Executive Senior Editor, Louisiana Law Review (2003-2004). Law Clerk to the Honorable Jay S. Bybee, United States Court of Appeals for the Ninth Circuit (2004-2005). Author: Revisiting the Cost-Benefit Calculus of the Misbehaving Prosecutor: Deterrence Economics and Transitory Prosecutors, 61 N.Y.U. Ann. Surv. Am. L. 45 (2005); Note, Paralyzing Discord: Workplace Safety, Paternalism and the Accommodation of Biological Variance in the Americans with Disabilities Act, 63 La. L. Rev. 509 (2003).

STAFF ATTORNEYS

CHRISTOPHER L. GADOURY, born Warwick, Rhode Island; admitted to bar, 2002, Texas and U.S. District Court for the Southern District of Texas. Preparatory education: University of Texas at Austin (B.A., 1998). Legal education: University of Houston Law Center (J.D., cum laude, 2001). Head Articles Editor, Houston Journal of International Law (2000-01); Tindall & Foster Writing Award; Houston Journal of International Law Most Contributing Editor Award; Omicron Delta Epsilon Honor Society in Economics; Adjunct Professor, University of Houston-Downtown. Member: State Bar of Texas; Houston Bar Association; Texas Trial Lawyers Association; and Houston World Affairs Council.

RITA M. IRANI, born Latrobe, Pennsylvania, July 14, 1948; admitted to bar, 1982, Pennsylvania, U.S. District Court, Western District of Pennsylvania and U.S. Court of Appeals for the Federal Circuit; 1984, Texas, U.S. District Court, Southern District of Texas and U.S. Court of Appeals, Fifth Circuit; 1986, California, U.S. District Court, Central District of California and U.S. Court of Appeals, Ninth and Third Circuits; 1990, U.S. District Court, Western District of Texas; 1992, U.S. District Court, District of Arizona and U.S. Court of International Trade; registered to practice before U.S. Patent and Trademark Office, 1982. Preparatory education: Carnegie-Mellon University (B.S., Physics, 1970); Duquesne University (J.D. cum laude, Law Review, Appellate Moot Court Board 1982). Editor, INTA Trademark Reporter (TMR®) 1993-2004. Author: "Trademark Law in the Age of Cyberspace," The Houston Lawyer, 1996; "Antitrust Immunity for Patent Enforcement," Southwest Legal Foundation, 31st Annual Patent Conference, November 1993; "The Importance of Record Evidence to Categorize Marks as Generic, Descriptive, or Suggestive," 83 TMR® 607, 1993; Practice Areas: Patent, Trademark, Copyright Litigation.

JANE RAY, born Globe, Arizona, July 7, 1964;

May-06

admitted to bar, 2000, Texas. Preparatory education: University of Texas at Austin (B.A., Highest Honors, 1997). Legal education: The University of Houston Law Center (J.D., 2000). Fraternities: Phi Beta Kappa. Editor in Chief, Houston Journal of International Law, 1999-2000. Member: State Bar of Texas; Houston Bar Association.

STEPHEN F. SCHLATHER, born Munich, Germany, September 7, 1969; admitted to bar 1998, Texas. Preparatory education, Southwestern University (B.S. - Chemistry, 1992). Legal education, South Texas College of Law (J.D. 1998). Registered to practice before the United States Patent & Trademark Office. Member: State Bar of Texas, Houston Bar Association, Houston Intellectual Property Law Association.

DAVID S. SIEGEL, born Houston, Texas, June 15, 1963; admitted to bar 1989, Texas. Preparatory education, University of Texas at Austin (B.A. Plan II Honors, 1985); legal education University of Houston Law Center (J.D., 1989). Member: Texas Bar Association, Houston Trial Lawyer Association, Texas Trial Lawyer Association, Association of Trial Lawyers of America.

JESSICA S. SIEGEL, born Houston, Texas, September 12, 1965; admitted to bar, 1999, Texas. Preparatory education, Texas A&M University (B.S., Industrial Engineering 1987). Legal education, University of Houston (J.D., cum laude, 1999). Fraternities: Order of the Barons, Notes & Comments Editor, Houston Law Review. Author: The Patent Marking & Notice Statute: Invitation to Infringe or Protection for the Unwary?, 36 Hou L. Rev. 583 (1999). Member: State Bar of Texas., Houston Bar Association (Litigation and Securities Litigation Sections).

The information contained herein is revised frequently and is only accurate and current as of the date printed above. Please call us for the most recent edition.